



03-25-03

REC/1600

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/937,643
		Filing Date	January 10, 2002
		First Named Inventor	Phillips et al.
		Group Art Unit	1635
		Examiner Name	J. Eric Angell
Total Number of Pages in This Submission		Attorney Docket Number	42368-263786

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	-Request for Continued Examination Transmittal Form PTO/SB/30
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	-Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kristin D. Mallatt, Reg. No. 46,895 Kilpatrick Stockton LLP
Signature	
Date	March 24, 2003

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CERTIFICATE OF MAILING

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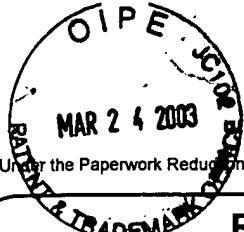
Typed or printed name	Emily Guida
Signature	
Date	March 24, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/937,643
Filing Date	January 10, 2002
First Named Inventor	Phillips et al.
Art Unit	1635
Examiner Name	J. Eric Angell
Attorney Docket Number	42368-263786

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1.	Submission required under 37 C.F.R. 1.114
a.	<input type="checkbox"/> Previously submitted
i.	<input type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).
ii.	<input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
iii.	<input type="checkbox"/> Other _____
b.	Enclosed
i.	<input checked="" type="checkbox"/> Amendment/Reply
ii.	<input type="checkbox"/> Affidavit(s)/Declaration(s)
iii.	<input type="checkbox"/> Information Disclosure Statement (IDS)
iv.	<input type="checkbox"/> Other _____
2.	Miscellaneous
a.	<input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
b.	<input checked="" type="checkbox"/> Other <u>Return Receipt Postcard</u>
3.	Fees The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.
a.	<input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. <u>11-0855</u>
i.	<input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. 1.17(e)
ii.	<input checked="" type="checkbox"/> Extension of time fee (37 C.F.R. 1.136 and 1.17)
iii.	<input type="checkbox"/> Other _____
b.	<input checked="" type="checkbox"/> Check in the amount of \$ <u>1160</u> enclosed
c.	<input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print /Type)	Kristin D. Mallatt	Registration No. (Attorney/Agent)	46,895
Signature	<u>Kristin Mallatt</u>	Date	March 24, 2003

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:			
Name (Print /Type)	Emily Guida		
Signature	<u>Emily Guida</u>	Date	March 24, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2003

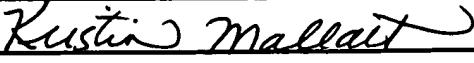
Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1160)

Complete If Known	
Application Number	09/937,643
Filing Date	January 10, 2002
First Named Inventor	Phillips et al.
Examiner Name	J. Eric Angell
Group / Art Unit	1635
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METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																																																																											
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<input checked="" type="checkbox"/> Deposit Account:				<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Large Entity</th> <th style="width: 30%;">Small Entity</th> <th colspan="4" style="text-align: right;">Fee Description</th> <th style="width: 10%;">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Deposit Account Number</td> <td>11-0855</td> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Code</td> <td>Fee (\$)</td> <td></td> </tr> <tr> <td></td> <td></td> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> </tr> <tr> <td></td> <td></td> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> </tr> <tr> <td></td> <td></td> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> </tr> <tr> <td></td> <td></td> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>Filing a request for reexamination</td> </tr> <tr> <td></td> <td></td> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td></td> <td></td> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> </tr> <tr> <td></td> <td></td> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> </tr> <tr> <td></td> <td></td> <td>1252</td> <td>410</td> <td>2252</td> <td>205</td> <td>Extension for reply within second month</td> </tr> <tr> <td></td> <td></td> <td>1253</td> <td>930</td> <td>2253</td> <td>465</td> <td>Extension for reply within third month</td> </tr> <tr> <td></td> <td></td> <td>1254</td> <td>1,450</td> <td>2254</td> <td>725</td> <td>Extension for reply within fourth month</td> </tr> <tr> <td></td> <td></td> <td>1255</td> <td>1,970</td> <td>2255</td> <td>985</td> <td>Extension for reply within fifth month</td> </tr> <tr> <td></td> <td></td> <td>1401</td> <td>320</td> <td>2401</td> <td>160</td> <td>Notice of Appeal</td> </tr> <tr> <td></td> <td></td> <td>1402</td> <td>320</td> <td>2402</td> <td>160</td> <td>Filing a brief in support of an appeal</td> </tr> <tr> <td></td> <td></td> <td>1403</td> <td>280</td> <td>2403</td> <td>140</td> <td>Request for oral hearing</td> </tr> <tr> <td></td> <td></td> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> </tr> <tr> <td></td> <td></td> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> </tr> <tr> <td></td> <td></td> <td>1453</td> <td>1,300</td> <td>2453</td> <td>650</td> <td>Petition to revive - unintentional</td> </tr> <tr> <td></td> <td></td> <td>1501</td> <td>1,300</td> <td>2501</td> <td>650</td> <td>Utility issue fee (or reissue)</td> </tr> <tr> <td></td> <td></td> <td>1502</td> <td>470</td> <td>2502</td> <td>235</td> <td>Design issue fee</td> </tr> <tr> <td></td> <td></td> <td>1503</td> <td>630</td> <td>2503</td> <td>315</td> <td>Plant issue fee</td> </tr> <tr> <td></td> <td></td> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> </tr> <tr> <td></td> <td></td> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17 (q)</td> </tr> <tr> <td></td> <td></td> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> </tr> <tr> <td></td> <td></td> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> </tr> <tr> <td></td> <td></td> <td>1809</td> <td>750</td> <td>2809</td> <td>375</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> </tr> <tr> <td></td> <td></td> <td>1810</td> <td>750</td> <td>2810</td> <td>375</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> </tr> <tr> <td></td> <td></td> <td>1801</td> <td>750</td> <td>2801</td> <td>375</td> <td>Request for Continued Examination (RCE)</td> </tr> <tr> <td></td> <td></td> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> </tr> <tr> <td></td> <td></td> <td colspan="4">Other fee (specify) _____</td> <td></td> </tr> <tr> <td></td> <td></td> <td colspan="4" style="text-align: right;">*Reduced by Basic Filing Fee Paid</td> <td style="text-align: right;">SUBTOTAL (3) (\$ 1160)</td> </tr> <tr> <td colspan="4"></td> <td colspan="4"></td> </tr> </tbody> </table>				Large Entity	Small Entity	Fee Description				Fee Paid	Deposit Account Number	11-0855	Fee Code	Fee (\$)	Fee Code	Fee (\$)				1051	130	2051	65	Surcharge - late filing fee or oath			1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet			1053	130	1053	130	Non-English specification			1812	2,520	1812	2,520	Filing a request for reexamination			1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action			1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action			1251	110	2251	55	Extension for reply within first month			1252	410	2252	205	Extension for reply within second month			1253	930	2253	465	Extension for reply within third month			1254	1,450	2254	725	Extension for reply within fourth month			1255	1,970	2255	985	Extension for reply within fifth month			1401	320	2401	160	Notice of Appeal			1402	320	2402	160	Filing a brief in support of an appeal			1403	280	2403	140	Request for oral hearing			1451	1,510	1451	1,510	Petition to institute a public use proceeding			1452	110	2452	55	Petition to revive - unavoidable			1453	1,300	2453	650	Petition to revive - unintentional			1501	1,300	2501	650	Utility issue fee (or reissue)			1502	470	2502	235	Design issue fee			1503	630	2503	315	Plant issue fee			1460	130	1460	130	Petitions to the Commissioner			1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)			1806	180	1806	180	Submission of Information Disclosure Stmt			8021	40	8021	40	Recording each patent assignment per property (times number of properties)			1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))			1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))			1801	750	2801	375	Request for Continued Examination (RCE)			1802	900	1802	900	Request for expedited examination of a design application			Other fee (specify) _____							*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 1160)								
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SUBMITTED BY						Complete (if applicable)
Name (Print/Type)	Kristin D. Mallatt	Registration No. Attorney/Agent)	46,895	Telephone	404.815.6147	
Signature					Date	March 24, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#14/1

7/ta

3/29/03

Applicants: **Nigel C. Phillips**
and Mario C. Filion

Serial No.: **09/937,643**

Art Unit: **1635**

Filed: **January 10, 2002**

Examiner: **J. Eric Angell**

For: **Composition and Method For**
Inducing Apoptosis in Prostate
Cancer Cells

ATTORNEY DOCKET NO.: 42368-263786
(02811-0161US)
DATE: March 24, 2003

Assistant Commissioner for
Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this document, together with any document referred to as enclosed or attached, is being deposited with the U.S. Postal Service as Express Mail Label no. EV 015613486 addressed to Commissioner for Patents, Box RCE, Washington, D.C. 20231, via facsimile on this 24th day of March, 2003.

Emily Guida
Emily Guida

PRELIMINARY AMENDMENT AND RESPONSE

Sir:

This paper is submitted in connection with the Request for Continued Examination filed on March 24, 2003 in connection with the above-identified application. The RCE is filed in response to the final Office Action mailed October 22, 2002, setting a shortened statutory period for reply expiring January 22, 2003 and extended two months to March 22, 2003 (which is a Saturday).

Applicants respectfully submit that the claim amendments and remarks submitted with this amendment place the application in condition for allowance, and request early notification thereof.